

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

|                           |   |                      |
|---------------------------|---|----------------------|
| UNITED STATES OF AMERICA, | ) |                      |
|                           | ) |                      |
| Plaintiff,                | ) | 4:08CR3090           |
|                           | ) |                      |
| V.                        | ) |                      |
|                           | ) |                      |
| LEROY HENRY COOPER,       | ) | MEMORANDUM AND ORDER |
|                           | ) |                      |
| Defendant.                | ) |                      |
| _____                     | ) |                      |

The defendant's motion to dismiss, (filing no. [20](#)), is currently scheduled for evidentiary hearing on February 3, 2009. However, the government filed a superseding indictment on January 22, 2009, and the defendant may need additional time to consider whether to pursue a motion to dismiss and the issues to be raised. Accordingly, the parties have agreed to a continuance of the evidentiary hearing.

IT THEREFORE HEREBY IS ORDERED:

1. The hearing on defendant's motion to dismiss, (filing no. [20](#)), is continued and will be held before the undersigned on February 18, 2009 at 1:30 p.m.
2. The defendant, defendant's counsel, and counsel for the government shall be present at this hearing.
3. Pursuant to NECrimR 12.5, copies of all exhibits expected to be offered into evidence during the hearing, except those to be used for impeachment only, shall be delivered to the chambers of the undersigned at least twenty-four (24) hours before the hearing and, at the outset of the hearing, to the extent reasonably possible, the parties shall provide the undersigned and the courtroom deputy with a written list of all witnesses the parties expect to call.

DATED this 29<sup>th</sup> day of January, 2009.

BY THE COURT:

s/ *David L. Piester*

David L. Piester  
United States Magistrate Judge